

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding No. 4:21-mj-44

21-040-04

**REDACTED APPLICATION FOR
SEARCH AND SEIZURE WARRANT**

I, Craig Scherer, being duly sworn depose and say:

I am a Special Agent with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in Sioux Falls, South Dakota and have been duly employed in this position since December 2003. I am a graduate of the Criminal Investigator Training Program and ICE Special Agent Training Program at the Federal Law Enforcement Training Center. I have received specialized training pertaining to conducting criminal investigations, immigration and customs laws, investigative techniques, searching databases, conducting interviews, executing search warrants, and making arrests with respect to criminal violations of United States Code.

2. As a Special Agent one of my responsibilities is investigating drug trafficking organizations and associated money laundering methods. I have led and assisted with numerous investigations into violations of the Federal Controlled Substances Act and I am familiar with the provisions of Title 21 and 18 of the United States Code.

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith.



Craig Scherer, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me, telephonically, on the 15th day of March, 2021, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding No. 4:21-mj-44

21-040-04

**REDACTED SEARCH AND
SEIZURE WARRANT**

TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

An application by a federal law enforcement officer or an attorney for the government requests the search of a cell phone fully described in Attachment A, attached hereto and incorporated herein by reference.

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the property described above, and that such search will reveal evidence of the commission of criminal offenses, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing criminal offenses concerning violations of 21 U.S.C. §§ 846 and 841(a)(1) and 18 U.S.C. § 1956, as fully described in Attachment A, attached hereto and incorporated herein by reference.

YOU ARE COMMANDED to execute this warrant on or before

3-29-2021 (not to exceed 14 days)

☒ in the daytime - 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the undersigned Judge.

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized,

☐ for _____ days (*not to exceed 30*).

☐ until, the facts justifying, the later specific date of _____.

3-15-21 at 1:40 pm CST at Sioux Falls, South Dakota
Date and Time Issued Telephonically


VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding

No. 4:21-mj-44

21-040-04

REDACTED RETURN

Date and time warrant executed: _____

Copy of warrant and inventory left with: _____

Inventory made in the presence of: _____

Inventory of the property taken and name of any person(s) seized (attach additional sheets, if necessary):

CERTIFICATION
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.
<div style="text-align: right;">_____ Craig Scherer, Special Agent Homeland Security Investigations</div>

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

In the Matter of the Search Regarding No. 4:21-mj-44

21-040-04

**REDACTED AFFIDAVIT IN
SUPPORT OF SEARCH AND
SEIZURE WARRANT**

STATE OF SOUTH DAKOTA)
) :SS
COUNTY OF MINNEHAHA)

I, Craig Scherer, being duly sworn on oath, depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in Sioux Falls, South Dakota and have been duly employed in this position since December 2003. I am a graduate of the Criminal Investigator Training Program and ICE Special Agent Training Program at the Federal Law Enforcement Training Center. I have received specialized training pertaining to conducting criminal investigations, immigration and customs laws, investigative techniques, searching databases, conducting interviews, executing search warrants, and making arrests with respect to criminal violations of United States Code.

2. As a Special Agent one of my responsibilities is investigating drug trafficking organizations and associated money laundering methods. I have led and assisted with numerous investigations into violations of the Federal Controlled Substances Act and I am familiar with the provisions of Title 21 and 18 of the United States Code.

PURPOSE OF AFFIDAVIT

●

•
;

and

[REDACTED]

4. As [REDACTED]

[REDACTED]

5. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of violations of United States Code are located within cell phones described in this affidavit.

6. I have received information from other law enforcement officers and sources of information by either verbal or written report. The officers and sources providing information may have received the information by way of personal knowledge or from another source.

SUMMARY OF INVESTIGATION

7. HSI [REDACTED]

[REDACTED]

8. Through [REDACTED]

[REDACTED]

9. THOMPSON [REDACTED]

[REDACTED]

10. In [REDACTED]

[REDACTED]

[REDACTED]

11. On [REDACTED]

[REDACTED]

12. On [REDACTED]

[REDACTED]

13. On [REDACTED]

[REDACTED]

14. On [REDACTED]

[REDACTED]

15. On [REDACTED]

[REDACTED]

[REDACTED]

16. On [REDACTED]

[REDACTED]

17. I [REDACTED]

[REDACTED]

TECHNICAL BACKGROUND

18. Based on my training and experience, my knowledge of the investigation, and the information described above, I believe that the devices listed in this affidavit are likely to contain information relating to violations of 21 U.S.C. §§ 846 and 841(a)(1) (controlled substances) and 18 U.S.C. § 1956 (money laundering).

19. Based on the aforementioned, I believe evidentiary items can be located in the electronic device described above. I request to search the device's media files, videos, text messages, call logs, address logs, address books, and any other stored information for any evidence that pertains to the possessing and distributing controlled substances and financial violations, more fully described in Attachment A, attached hereto and incorporated herein by reference.

20. The Government agrees to request another search warrant from the Court before it reviews data from the electronic storage media or electronically stored information seized pursuant to the requested warrant for purposes unrelated to this investigation.

21. Based upon my training, experience and participation in other investigations involving cocaine, crack cocaine, MDMA, steroids, methamphetamine, heroin, marijuana and/or other controlled substances, I know:

- a. That narcotics traffickers often place their assets in names other than their own to avoid detection of these assets by government agencies.

- b. That even though their assets are in other persons' names, the narcotics traffickers own and continue to use these assets and exercise dominion and control over them.
- c. That large-scale narcotics traffickers often maintain on hand large amounts of U.S. currency in order to maintain and finance their ongoing narcotics business.
- d. That narcotics traffickers often maintain books, records, notes, ledgers, airline tickets, money orders, and other papers relative to the transportation, ordering, sale, and distribution of controlled substances. That narcotics traffickers occasionally "front" (provide narcotics on consignment) narcotics to their clients. That the aforementioned books, records, receipts, notes, ledgers, etc., are often maintained where the narcotics traffickers have ready access to them, including in their residences and vehicles.
- e. That it is common for narcotics traffickers to secrete contraband, proceeds of drug sales, and records of drug transactions (some being coded and cryptic in nature and stored within electronic devices) in secure locations within, or in near proximity to, their respective residences and/or vehicles for ready access and to conceal from law enforcement authorities.
- f. That persons involved in drug trafficking often conceal in and near their residence and vehicles caches of drugs, large amounts of currency, financial instruments, precious metals, jewelry, and other items of value and/or proceeds of drug transactions; and evidence of financial transactions related to obtaining, transferring, secreting, and/or spending of large sums of money made from engaging in narcotics trafficking activities.
- g. That controlled substance traffickers commonly maintain address or telephone books or papers which reflect names, addresses and/or telephone numbers of their associates in the trafficking organization.
- h. That narcotics traffickers often utilize electronic pagers, cellular telephones, answering machines, caller

identification devices, electronic address books, computers, etc., to facilitate communication with co-conspirators and/or store telephone numbers/addresses of associates, customers and sources of supply.

- i. That narcotics traffickers often possess firearms, ammunition, and other weapons.
- j. That persons present at locations where drugs are distributed, stored and/or used, often conceal many of the above mentioned items, particularly controlled substances and names/numbers of associates, on their person.

22. Based on my training and experience, I know that it is common for people involved in the sale, distribution, and use of illegal drugs to keep records of their customers and suppliers, sometimes in electronic devices.

23. I know based on my training and experience that even if long-time drug traffickers stop distributing controlled substances, either voluntarily or under law enforcement pressure, these traffickers often retain in their possession many items with evidentiary value, including telephones and telephone records; names, addresses and telephone numbers of associates; documents related to financial transactions; and other items as listed in this affidavit.

24. I know that computers and electronic storage devices may be important to a criminal investigation in two distinct ways: (1) the objects themselves may be contraband, evidence, instrumentalities, or fruits of crime, and/or (2) the objects may be used as storage devices that contain contraband, evidence, instrumentalities, or fruits of crime in the form of electronic data. In this case, I request permission to search the contents and all electronically stored information within the above-described electronic storage devices.

25. Based upon my knowledge, training and experience, I know that it is often necessary for seized electronic storage devices to be searched later by a qualified computer expert in a laboratory or other controlled environment.

26. I believe based on the above information that individuals known and unknown are involved in drug trafficking activities and associated financial violations.

CONCLUSION

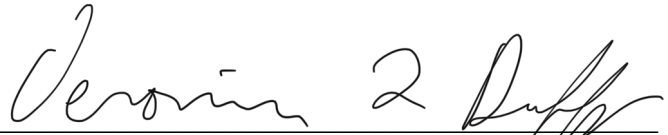
27. I respectfully request a search warrant be issued to search all contents and electronically stored information within the above-described property, for evidence of drug trafficking and money laundering activities in violation of 21 U.S.C. §§ 846 and 841(a)(1) (controlled substances) and 18 U.S.C. § 1956 (money laundering), as more fully described in Attachment A hereto.

28. Based on the foregoing, I request that the Court issue the requested search warrant.



Special Agent Craig Scherer
Homeland Security Investigations

Sworn to and subscribed before me, telephonically, on the 15th day of March 2021, at Sioux Falls, South Dakota.



VERONICA L. DUFFY
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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REDACTED ATTACHMENT A

DESCRIPTION OF PROPERTY TO BE SEARCHED AND SEIZED

[REDACTED]

[REDACTED]

1. All records on the devices described in Attachment A,